

IDAHO Supreme Court

JUDICIAL/ADMINISTRATIVE NEWS

OCTOBER 2008

2008 Kramer and Granata Awards Presented

A 4th District Judge and an eastern Idaho Trial Court Administrator have received the Idaho Judiciary's most prestigious awards.

4th Judicial District Judge Ronald Wilper was named the recipient of the 2008 Granata Award and 7th Judicial District Trial Court Administrator Burton Butler was selected as the 2008 Kramer Award recipient. The recipients are chosen annually by virtue of their significant contributions to the Idaho judicial system.

Both awards were made during a ceremony led by Justice Warren Jones at the annual Idaho Judicial Conference.

The Kramer Award, named in honor of the late District Judge Douglas C. Kramer, is awarded to the person who best exemplifies excellence in judicial administration, by character and action. The Granata Award, named in honor of the late District Judge George G. Granata, Jr., is awarded to the trial judge who best exemplifies the professionalism evidenced by Judge Granata during his more than twenty years of judicial service.

In a letter signed by the 4th Judicial District's Administrative District Judge Darla Williamson, Trial Court Administrator Larry Reiner and other representatives of the 4th District, Judge Wilper was nominated for his considerable contributions to the Ada County Drug Court – the court over which he currently presides. As the largest drug court in Idaho, its programs serve approximately 150 defendants at any given time. Since the court's inception, defendants have appeared before the judge more than 20,000 times.



Judge Wilper

With 514 graduates to date, the court has proven to substantially reduce recidivism among criminal offenders—a success that Judge Williamson says is a direct reflection of Wilper's efforts. "Judge Wilper has tireless enthusiasm for the advancement of the drug court. He is an effective role model to other drug court judges and is an inspiration to drug court defendants to make positive changes in their lives," she said.

A native of Idaho, Judge Wilper received his J.D. from the University of Idaho in 1987, and was appointed by Governor Batt to the district court in 1999.



Burt Butler (right), with Administrative District Judge Brent Moss

7th Judicial District Administrative District Judge Brent Moss nominated Trial Court Administrator, Burton Butler for the Kramer award for his leadership in the establishment of problem-solving courts. "I am not aware of anyone who has worked harder to improve the administration of justice than he has or who has exhibited more passion to improve the delivery of services provided by the judicial system," said Judge Moss.

Judge Moss also commended Burt Butler for his leadership in the continual monitoring of the effectiveness and sustainability of the problem-solving courts.

Burt Butler has served as a 7th Judicial District Trial Court Administrator since 1993 after moving to Idaho from North Carolina where he served as Trial Court Administrator for the 29th Judicial District for fourteen years.



Judicial Conference Highlights

The annual Idaho Judicial Conference opened on Monday, October 6 with a **Sentencing Session** led by Judge Roger Warren (ret.), President Emeritus of the National Center for State Courts. Breakout sessions and a working lunch with the Idaho Judicial Council followed. Tuesday's sessions included a session on **Dealing with Generational Differences in the Business of the Courts** featuring T. Andrew Fujimoto, Chief Executive Officer of Ameriben/IEC Group, Boise. A special session on **Working with Juries** facilitated by

Justice Roger Burdick and a panel of others provided discussion on current issues relating to judges' interaction with juries.

The Wednesday, October 8 session opened with a **Media and the Courts Workshop**, followed by a joint Idaho State Judiciary/Idaho State Bar session featuring Professor Neil S. Seigel, Associate Professor of Law and Political Science, Duke University School of Law, providing the annual **U.S. Supreme Court Update**. During lunch, a special presentation titled "**Diamondfield Jack**," was given by Dave Metcalf of the U.S. Federal Court.

"Working with Juries" Panel: (left to right) J. Walter Sinclair, Stoel Rives; Ada County Magistrate Judge Michael Oths; District Judge John Butler, 5th Judicial District; Marji Shepherd, Ada County Jury Commissioner; Administrative District Judge Carl Kerrick, 2nd Judicial District; Idaho Supreme Court Justice Roger Burdick



"Extradition Proceedings in Idaho" Panel: (left to right) Deputy Boise City Attorney Ralph Blount; Deputy Attorney General Daniel Bower; Bonner County Magistrate Judge Barbara Buchanan; Deputy Attorney General Stephen Bywater

Budget Cutback Ordered

In response to Governor C.L. "Butch" Otter's revenue projection for a General Fund shortfall in the current fiscal year, the Office of the Governor, Division of Financial Management (DFM) has reduced its projected FY 2009 revenue by approximately 5.9 percent.

The DFM projected FY 2009 revenue has been reduced from \$2,940,600,000 to \$2,766,300,000, or a total reduction of \$174,300,000.

Acting under authority granted in Idaho Code 67-3512A, Governor Otter announced a temporary

reduction of spending authority in order to bring spending into line with the new revenue projection. This "holdback" requires each executive department, office, or institution that receives General Fund money to implement cost-saving measures in order to meet the new, reduced authorization.

A 1 percent holdback has now been ordered, and the judiciary will participate as requested. An additional 1.5 percent will be held in reserve by all departments in the event the economy declines further.





4th District Hosts Korean Delegation

On August 18 and 19, 2008, the 4th Judicial District Court hosted, through coordination with the National Center for State Courts, International Programs Office, a delegation of Korean trial judges and clerks of court from Seoul, South Korea. The visit provided an opportunity for the delegation to engage in round table discussions with a number of district and magistrate judges about our jury system and the use of oral argument in a variety of court proceedings. The delegation also toured the Ada County Courthouse and observed a variety of judicial proceedings and administrative operations.

In appreciation of the honor of hosting their visit, the Court presented the delegation with individual, silver coins depicting the Idaho State Seal and Lady Liberty.

ISC Selected for Justice Center Initiative

In a press release on October 2, the Council of State Governments and the Idaho Supreme Court announced that Idaho's Court had been selected to participate in a major national criminal justice/mental health initiative.

"The Council of State Governments (CSG) Justice Center has announced that Idaho's Supreme Court will participate in the Chief Justices' Criminal Justice/Mental Health Leadership Initiative, a national project in its second year designed to assist state supreme court chief justices, together with state leaders, in developing strategic plans to improve responses to people with mental illnesses involved in the justice system."

Idaho is one of four states selected to participate from a field of 13 state applicants. Idaho will be joined by Wisconsin, New Hampshire, and Delaware. Over the next year, Chief Justice Eismann will convene a statewide task force to examine ways to improve outcomes for people with mental illnesses engaged with the criminal justice system. Funding and technical assistance for the task force will come from the [CSG Justice Center](http://justicecenter.csg.org/) (<http://justicecenter.csg.org/>) and [National GAINS Center](http://gainscenter.samhsa.gov/html/) (<http://gainscenter.samhsa.gov/html/>), two nonprofit organizations that coordinate the initiative. The task force will also participate in a CSG Justice Center-convened policy forum with their counterparts from the other three states.

"Chief Justice Eismann has demonstrated his commitment to addressing the needs of people with mental illnesses, and we are pleased to be able to invite Idaho to participate," said Judge Steven Leifman, Special Advisor on Criminal Justice/Mental Health to the Florida Supreme Court and co-chair of the advisory board that reviewed the submissions. "The application process was very competitive, and we are confident that Idaho's task force will design and implement successful strategies."

Chief Justice Eismann said in the press release: "The frequency with which people with mental illnesses enter our courts, jails and prisons remains a critical problem; we need to improve treatment options and—when appropriate—help these individuals avoid contact with the criminal justice system. Doing so not only will improve their quality of life but will lead to increased public safety and more efficient use of taxpayer dollars."

According to a 2006 report by the U.S. Bureau of Justice Statistics, nearly a quarter of state prisoners and jail inmates who reported they had a mental health problem had served three or more prior incarcerations.

"To address this complex issue, there must be extensive collaboration among a state's systems. The chief justice is often uniquely positioned to convene key leaders to develop bipartisan, coordinated strategies," said Presiding Judge of the Texas Court of Criminal Appeals and Justice Center board chair Sharon Keller. "I look forward to seeing what Chief Justice Eismann's task force will accomplish in the coming year."





Informal Custody Trial: A Family Option

On July 18, 2008 the Administrative Conference recommended a new rule for Informal Custody Trials together with consent and waiver forms for parties who cannot agree on the custody of their children.

The model was developed by 1st District Magistrate Judge Benjamin R. Simpson and has been operating in the 1st Judicial District as a court approved pilot project for over three years. The model was developed as a means of mitigating the destructive nature of litigation on children and families.

The rule gives parties an opportunity to voluntarily participate in a court hearing that focuses on how to best serve the children.

The key factor to reducing the adversarial nature of the process is that the rules of evidence and cross examination are waived. The parties speak directly to the court and each party is given an extensive opportunity to tell the judge anything, including hearsay about the family's custody and visitation issues.

The parties experience "being heard" by the court in this process. If they are represented by counsel, parties are allowed to consult with

counsel throughout the process and counsel is allowed to make a brief closing statement. The judge often uses mediation techniques and engages the parties by asking questions that are designed to keep the testimony child-focused.

The model has promise for many families. A preliminary evaluation of the project indicates that parents do feel heard and that the needs of their children are being served. Some of the benefits of the Informal Custody Trial process to children are as follows:

- ⚖️ Parents are able to lessen their conflict.
- ⚖️ Pro se parties are able to effectively present a case.
- ⚖️ Costs are reduced as this process takes about two hours; instead of several days.
- ⚖️ The wishes of children are more easily introduced.
- ⚖️ Parents often leave the process with an improved capacity to co-parent in the interests of their children.
- ⚖️ Move away cases can be quickly resolved.

The Court approved the rule and forms as amended on September 22nd. See the order for adoption of I.R.C.P. 16(p) at <http://www.isc.idaho.gov/rulesamd.htm> and link to the new rule for Informal Custody Trial at <http://www.isc.idaho.gov/rules/ircp16p.txt> The Waiver and Consent for Informal Custody trial are found at <http://www.isc.idaho.gov/rulesfrm.htm>. For more information, please contact Judge Simpson at bsimpson@kcgov.us or Viki Howard at 208-830-4329 or vikih1@cableone.net.





Dunn Named to 6th District Bench

Veteran Pocatello attorney Stephen S. Dunn was appointed to a 6th District Court judgeship on September 17, 2008 by Governor C.L. "Butch" Otter. The position was left vacant by Judge Ronald E. Bush's recent appointment as a federal magistrate.

Dunn, a partner in the law firm, Merrill & Merrill, Chartered, has practiced law for 31 years, and was a part-time federal magistrate from 1990 to 1992. The Twin Falls native and Brigham Young University graduate now lives in Chubbuck with his wife, Wanda. They have three daughters.

"We're lucky to have a wealth of qualified and willing candidates to take on the important responsibility of administering justice here in Idaho," Governor Otter said. "Steve's involvement in his community and connection to the values and priorities of southern Idaho make him an excellent choice. He will make a great addition to the 6th District bench."

Judge David Nye administered the oath of office to Judge Dunn during an investiture ceremony on October 2. The event was well attended by family members, friends, colleagues, and elected officials. The remarks given by Thomas W. Clark, a partner at Merrill and Merrill, Chtd gave all who attended a great glimpse into the person who is the newest District Judge in the 6th Judicial District.

Steve Caylor Transfers to Boise

Steve Caylor has accepted a new position at the Administrative Office of the Courts. Steve will serve as the Idaho Knowledge Management Resource Coordinator. In this position, Steve will be responsible for developing and implementing knowledge management based research resources for the judiciary. Steve has served as the Trial Court Administrator for the 2nd Judicial District since October 16, 1991.

Congratulations, Steve!

Magistrate Judge Candidates Named

The following people have applied for the Kootenai County Magistrate Judge position created as the result of Judge Marano's retirement:

⚖ Barry Black	Coeur d'Alene
⚖ Ken Brooks	Coeur d'Alene
⚖ John Cafferty	Coeur d'Alene
⚖ Robert Caldwell	Post Falls
⚖ Anna Eckhart	Post Falls
⚖ Saviraj (Savi) Grewal	Coeur d'Alene
⚖ Deena Layne	Boise
⚖ Dennis Reuter	Coeur d'Alene
⚖ Jay Sturgell	Coeur d'Alene
⚖ Rudy Verschoor	Coeur d'Alene

4th District Applicants Named

The following people have applied for the 4th Judicial District Judge position created with Judge Sticklin's retirement:

⚖ Richard D. Greenwood	A lawyer in private practice in Twin Falls
⚖ Michael J. Reardon	A magistrate judge of the 4th Judicial District, Boise
⚖ Dean Wallenwaber	A lawyer in private practice in Lewiston

Judge Hamlett Retires

Latah County Magistrate Judge William C. Hamlett was honored by friends and colleagues at a retirement dinner at the University Inn in Moscow on Wednesday, September 17th. Deputy Clerks of the Court entertained with stories about the Judge and artifacts from his office. Judge Stegner gave a brief life sketch and repeated some of Judge Hamlett's more creative sayings. Judge Hamlett concluded the evening with a few remarks of gratitude and a reminder of the importance of seeking justice.



Judge Bush Takes Office

The investiture ceremony for Judge Ronald E. Bush, Magistrate Judge of the United States District Court for the District of Idaho took place on October 3 at the Federal Building in Boise.



Judge Harding Feted

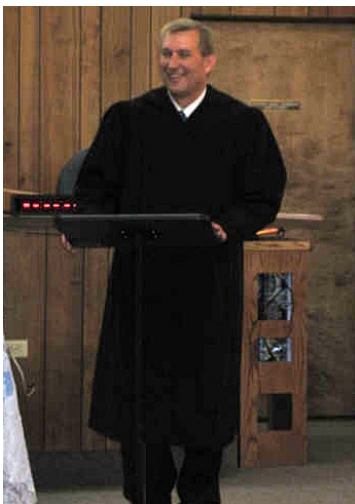
A retirement reception for 6th Judicial District Judge Don Harding was held on Thursday, October 2 at the Caribou County Courthouse in Soda Springs. The courtroom was filled to capacity. There was a lot of joy, happiness, and humor in the air. He was roasted and toasted by friends, family, judges, law enforcement, and colleagues. He was given an apron at the very beginning of his reception by his deputy clerk, Sharon Wells, which read: "Grill a Senior Judge."



Judge Harding (left) with Administrative District Judge Peter D. McDermott



Judge Harding (left) with Judge Randy Smith, 9th Circuit Court of Appeals



Judge Brown Takes the Bench

On Friday, September 26, Mitchell W. Brown was sworn in as a new 6th Judicial District Judge by District Judge Don L. Harding who he replaces. The investiture, held at the Caribou County Courthouse in Soda Springs, was attended by Judge Peter D. McDermott, Administrative District Judge, family members, friends, and many representatives from the Soda Springs community.





PROBLEM-SOLVING COURTS

Drug Court Evaluation

In 2001, the University of Cincinnati's Center for Criminal Justice Research was contracted by the Idaho Supreme Court to evaluate the effectiveness of drug courts operating in the state. The most recent assessment was conducted among 11 of the 16 operating felony drug courts in 2007. The assessment measured "effectiveness as it relates to three broad areas of functioning (e.g., operations, outcomes, and needs)." The results of the study were "very promising."

The majority of the state drug courts studied had a graduation rate between 50 and 60 percent very similar to the national average; all participants are entered in the ISTARS system; and an offender assessment tool, the LSI-R (Level of Service Required – Revised), a highly valued as a good predictor of a participant's success in drug courts is being used. The courts

"appear to be operating as designed; in particular, they reported the existence of aftercare, monitoring activities, rewards and graduated sanctions, experienced staff, assessment processes, eligibility and exclusionary criteria, and support and cooperation among team members and the community.

In terms of outcomes, we did find a treatment effect for the drug courts under study. The drug court clients had a significantly lower recidivism rate compared to the probationers."

While the conclusions of the study team seem to indicate a good level of success for the drug courts studied, some recommendations were made which could further improve the ability to assess and ensure success were made.

The team recommends re-evaluating participants throughout their drug court program, using the LSI-R, to ensure each participant's program is tailored to maximize the opportunity for success. A clear cut system of rewards and sanctions should be defined for use by all drug courts. There is a need for a consistent method of balancing budget, staff, and service needs throughout the state, and for consistent levels of support and cooperation among team members within the drug court system.

The executive summary of the evaluation can be found at <http://www.isc.idaho.gov/links/Final%20Idaho%20Felony%20Outcome%20Evaluation%20Executive%20Summary.pdf>.

The full report can be found at <http://www.isc.idaho.gov/links/Final%20Idaho%20Felony%20Drug%20Court%20Outcome%20Evaluation%20Report.pdf>.



Healthy employees are one of the keys to a productive and cost effective workplace. In support of that effort, the Division of Professional-Technical Education is announcing **Health Matters**, the new statewide Idaho State Employee Wellness resource.

Please take time to visit Health Matters at:
<http://www.healthmatters.idaho.gov>



Millennium Fund Update

Juvenile Justice Coordinator, Judge John Varin, reported to a legislative committee in August, that significant positive results were achieved by youth courts and status offender programs funded by Idaho's Millennium Fund. He reviewed both the funding allocations for the programs and the impact they had on participants in 2008. "We did a recidivism study and found that 80 percent of youth who completed a youth court or status offender program did not offend again," said Judge Varin. "The programs are clearly making a difference."

An evaluation of the programs in 2008 revealed an increase in protective factors such as family cooperation and improved status in school. The programs provide participants and their families with resources such as counseling, behavioral contracts, school contracts, and drug and alcohol training sessions.

Judge Varin, who has been involved with Millennium Funded programs for several years, is pleased with the support the programs receive

from the Idaho State Legislature. "If we can divert one child from getting deeper into the system, then it's worth it," he said. "Anyone who works in the juvenile justice system has a passion to work with children and families," said Judge Varin, who also serves as Chair of the Juvenile Justice Commission for the State of Idaho. "You feel good about what you are doing, and that's what keeps me going."

The Millennium Fund was created from Idaho's share of the Tobacco Settlement in 2002. A standing legislative committee administers the interest received from the settlement funds. That committee considers applications from entities with one of three objectives: tobacco cessation or prevention; substance abuse cessation or prevention; or tobacco or substance abuse disease related treatment. The Idaho Supreme Court has received Millennium Funds since the inception of the Fund for youth courts and status offender programs. These programs are intervention or diversion programs for young tobacco, alcohol, or status offenders who have been cited into the courts.



Idaho Judiciary's Top Ten Years on the Bench

Magistrate Judges	Years	District Judges	Years
⚖️ Linda J. Cook	32.70	⚖️ Peter D. McDermott	27.40
⚖️ L. Mark Riddoch	24.80	⚖️ Deborah Bail	25.40
⚖️ Debra A. Heise	23.60	⚖️ Brent J. Moss	15.50
⚖️ William C. Hamlett	23.20	⚖️ Roderick B. Wood	13.60
⚖️ Eugene A. Marano	23.10	⚖️ Stephen W. Drescher	13.60
⚖️ William B. Dillon III	22.40	⚖️ Don Harding	13.60
⚖️ Charles Roos	22.20	⚖️ Gregory Anderson	13.50
⚖️ Ronald Hart	21.60	⚖️ Thomas F. Neville	13.50
⚖️ Stephen L. Calhoun	21.40	⚖️ John R. Stegner	11.60
⚖️ Gary D. DeMeyer	19.50	⚖️ Charles W. Hosack	10.60

JUDICIAL/ADMINISTRATIVE NEWS
is published by the Idaho Supreme Court.

Chief Justice Daniel T. Eismann
Justice Roger S. Burdick
Justice Jim Jones
Justice Warren E. Jones
Justice Joel Horton

We are very interested in your news and information. If you have or are aware of items that should be featured in a future edition of Judicial/Administrative News please let us know!

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Thanks!



Note: For the most up-to-date Judicial Calendar,
check the Judiciary's homepage at
<http://www.isc.idaho.gov/calendar.htm>

